IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 12317 of 2007(N)

PETITIONER:

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1. JOSEPH GEORGE, KUNNATH HOUSE,
UZHAVOOR P.O., KOTTAYAM.

2. ABRAHAM, SECRETARY,
UZHAVOOR CO-OPERATIVE BANK LTD,
UZHAVOOR P.O., KOTTAYAM.

BY ADV. SRI.PKM.HASSAN
SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN
SRI.ROY JOSEPH

RESPONDENTS:

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1. BALAKRISHNAN NAIR, KULANGARATTU,
UZHAVOOR (EAST), P.O., KOTTAYAM.

2. CONSUMER DISPUTE REDRESSAL COMMISSION,
REP. BY ITS SECRETARY, C.D.R.C.,
THIRUVANANTHAPURAM.

3. TAHSILDAR, REVENUE RECOVERY, PALA,
KOTTAYAM.

R1 BY ADV. SRI.A.X.VARGHESE
SRI.A.V.JOJO
R3 BY G.P. SRI.MOHAMMED RAFFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF ORDER DT.11.7.2003 IN O.P. NO.318/2002.

P2: TRUE COPY OF I.A. NO.50/2006 FILED IN APPEAL NO.676/03.

P3: TRUE COPY OF PETITION DT.27.1.2007.

P4: TRUE COPY OF THE NOTICE ISSUED U/S.134 OF THE R.R. ACT ISSUED BY R3 TO THE PETITIONERS.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.12317 of 2007

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Dated this the 8th day of June, 2007.

JUDGMENT

It is strange that restoration application filed as I.A. No.50/2006 is not so far disposed of by the State Commission. Counsel for the petitioners pointed out various instances of preponing and postponing of the same case by the State Commission. Since the matter is pending before the State Commission, there is no need for this court to look into the merits of the case. Therefore, W.P. is disposed of directing respondents not to proceed with coercive steps for recovery for three months from now. There will be direction to the State Commission to hear the parties and dispose of the restoration application and if application for restoration is allowed, to hear and pass orders on stay application also on the same date. The Secretary of the State Commission will post both the applications on same date on production of copy of this judgment for compliance as above. Recovery after three months will be based on orders of the State Commission on the stay application.

C.N.RAMACHANDRAN NAIR
Judge

pms